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## 1. INTRODUCTION

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### 1.1 EIR PURPOSE AND INTENDED USE

Pursuant to the California Environmental Quality Act (CEQA) Guidelines, this **environmental impact report** (EIR) has been prepared by the City of Sunnyvale to provide a consolidated document describing the environmental consequences of a City-proposed Downtown Improvement Program Update project, comprised of a set of actions to maintain, update and expand the City's current Downtown Improvement Program.

Over the past decade, the City of Sunnyvale has been undertaking a Downtown Improvement Program to facilitate re-establishment and revitalization of the City's original central area. The program has consisted of a number of City-adopted, interrelated planning and redevelopment components, including the Sunnyvale Downtown Specific Plan (adopted in 1993), associated Zoning Code provisions (Downtown Specific Plan District), the Murphy Avenue Design Guidelines (1994), and the Sunnyvale Downtown Redevelopment Plan (originally adopted in 1975, last amended in 1993).

The City is now proposing to update its Downtown Improvement Program in response to the changing marketplace and the City's experience in implementing the 1993 Downtown Specific Plan over the past approximately ten years.<sup>1</sup> To provide a "blueprint" for the proposed update, the Sunnyvale City Council in April 2002 approved in concept a new *City of Sunnyvale Downtown Design Plan* that calls for retaining the basic downtown revitalization concepts of the 1993 Specific Plan, but with various land use and development standard revisions, downtown design guideline revisions, new circulation and parking recommendations, and revised streetscape design standards, all formulated to create and maintain "an enhanced, traditional downtown serving the community with a variety of designations in a pedestrian-friendly environment."<sup>2</sup>

In addition to the approximately 125-acre *Downtown Design Plan* portion of the downtown area, the total project area also includes three adjacent areas--an approximately 5-acre area north of Evelyn Avenue (between Evelyn Avenue and the CalTrain tracks), an approximately 3-acre area east of Bayview Avenue ("eastern adjacent sites"), and an approximately 15-acre

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<sup>1</sup>ELS Architecture and Urban Design, *The City of Sunnyvale Downtown Design Plan*, August 2002, Letter of Transmittal from Joseph Antuzzi, Chairman, Downtown Stakeholders Advisory Committee; March 26, 2002.

<sup>2</sup>Ibid.

area south of Olive Avenue. The only land use change proposed for the adjacent areas is a reduction in allowable residential densities in the eastern adjacent sites. The total Downtown Improvement Program Update area, including the *Downtown Design Plan* boundary and three adjacent areas, amounts to approximately 150 acres, bounded generally by the CalTrain tracks/Evelyn Avenue, Bayview Avenue, Carroll Avenue, El Camino Real, and Charles Street.

The specific City actions that are proposed to implement the proposed Downtown Improvement Program Update include:

- adoption of the amendments to the current (1993) Sunnyvale Downtown Specific Plan necessary to incorporate the land use and development standard revisions, design guideline revisions, circulation and parking recommendations and revised streetscape design revisions proposed for the Downtown Design Plan area and three adjacent areas;
- adoption of corresponding amendments to the City of Sunnyvale Zoning Code;
- adoption of corresponding amendments to the City of Sunnyvale General Plan; and
- adoption of associated amendments to the Downtown Sunnyvale Redevelopment Plan to achieve consistency with the General Plan, Zoning Code and Specific Plan amendments and to maintain and expand related downtown redevelopment activities.

This EIR has been prepared by the City to provide the CEQA-required environmental documentation for each of these City-proposed Downtown Improvement Program Update actions. As used in this EIR, the terms "Sunnyvale Downtown Improvement Program Update" and "project" refer to all aspects of the current proposal, including all of the amendment actions listed above. As a result of the information in this EIR, the Sunnyvale City Council may act to approve or deny these various actions, and/or to establish any associated requirements or conditions of approval considered necessary to mitigate identified project impacts on the environment.

As the Lead Agency, the City also intends this EIR to serve as the CEQA-required environmental documentation for consideration of this project by other Responsible Agencies<sup>1</sup> and Trustee Agencies<sup>2</sup> including, but not limited to, the Sunnyvale Redevelopment Agency.

This EIR is intended to serve as a public information and disclosure document identifying those environmental impacts associated with the proposed project that are expected to be

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<sup>1</sup>Under CEQA Guidelines, the term "Responsible Agency" includes all public agencies, other than the Lead Agency, which have discretionary approval power over aspects of the project for which the Lead Agency has prepared an EIR.

<sup>2</sup>Under CEQA Guidelines, the term "Trustee Agency" means a state agency having jurisdiction by law over natural resources affected by the project which are held in trust by the people of California.

significant, and describing mitigation measures and alternatives that could minimize or eliminate these significant adverse impacts.<sup>1</sup> Such impacts and needed mitigations are discussed in this EIR to the level of detail necessary to allow reasoned decisions about the project and conditions of project approval.

## 1.2 PROGRAM EIR APPROACH AND ASSUMPTIONS

### 1.2.1 Program EIR

In the Notice of Preparation (appendix 21.2 of this EIR), this EIR was identified as a Subsequent Environmental Impact Report (SEIR) tiered upon the Final Program Environmental Impact Report: Sunnyvale Downtown Development Program (August 31, 1990; State Clearinghouse #88110816). Subsequently, as the environmental analysis for the Downtown Improvement Program Update progressed, the City concluded that the vast majority of impact findings and mitigation measures identified in the 1990 EIR no longer applied to current conditions in downtown Sunnyvale or were otherwise superseded by the findings in this current EIR. Therefore, this report has been prepared as a new, full EIR rather than a subsequent EIR (SEIR).

This EIR has also been formulated as a **program EIR**. A program EIR is a particular EIR approach authorized by section 15168 of the California Environmental Quality Act (CEQA) Guidelines for use in documenting the environmental implications of community general plans, redevelopment plans, redevelopment plan amendments, and other "programs" which involve a series of interrelated actions taken by a governmental authority that can be characterized as one project to achieve an overall program goal. The program EIR concept and authority are described in more detail in appendix 21.1 of this EIR (Program EIR Authority). The approach taken in preparing this EIR under the "program EIR" authority has been to describe the anticipated broad-based, project area-wide and community-wide impacts of the proposed Downtown Improvement Program Update. The EIR describes the cumulative, aggregate effects of the combination of anticipated Improvement Program Update actions and associated development scenario on project area-wide and community-wide environmental conditions. Such impacts are described at a level of detail consistent with the level of detail provided in the proposed Downtown Improvement Program Update (the April 2002 *Downtown Design Plan*, etc.).

### 1.2.2 EIR Scope

As set forth under CEQA, the scope of this program EIR is limited to the description of those project-related impacts and mitigation measures that can be identified at this time, without being highly speculative. The more detailed impacts of future individual, site-specific,

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<sup>1</sup>CEQA Guidelines section 15149(b).

infrastructure, residential, commercial, and mixed use development actions that may be facilitated by the project, but are not yet specifically described, are not described in this program EIR; rather, the CEQA-required environmental review of such subsequent individual actions will be undertaken at a later time, if and when such actions come before the City in the form of a specific public improvement project or development application. At that time, when the details of the individual action are sufficiently defined, the action will be subject to its own, project-specific, environmental determination by the City that either: (1) it is fully covered within the scope of this program EIR, (2) it is exempt from CEQA (under section 15062 of the CEQA Guidelines), (3) it warrants preparation of a mitigated negative declaration (under section 15070 of the CEQA Guidelines), or (4) it warrants preparation of a focused EIR limited to certain site-specific issues. It is intended that this program EIR will provide a master environmental document for use by the City as a baseline and context for "tiering" any such subsequent environmental documentation.

Some of the "focus topics" of such subsequent project-specific environmental reviews could include site-specific impacts on land use, aesthetics, transportation and parking, public services and utilities, noise, air quality, drainage and water quality, soils and geology, hazards and hazardous materials, and cultural or historic resources.

### **1.2.3 Impact Assessment Assumptions**

The purpose of this "program" EIR is to evaluate the likely cumulative environmental consequences with full realization of the downtown buildout potential anticipated with the proposed Improvement Program Update. The EIR impact analysis is based on the conservative (most intensive development) assumption that the combination of Downtown Improvement Program changes and continued and expanded redevelopment actions proposed will be fully successful and, as a result, the downtown area will reach full buildout under the parameters of the amended Downtown Specific Plan, General Plan, and Zoning Code by the year 2020.

The project area buildout assumptions used as the basis for this program environmental analysis are derived from the land use and development standard revisions, design guideline revisions, circulation and parking recommendations, and streetscape design standard changes described by the City for the *Downtown Design Plan* area and three adjacent downtown areas. Each impact analysis in this EIR (land use; population, housing, and employment; transportation and parking; public services and utilities; etc.) includes a description of related existing conditions, followed by a description of anticipated year 2020 Downtown Improvement Program facilitated buildout conditions, and associated impacts and mitigation needs.

### **1.2.4 Impact Assessment Baseline**

CEQA Guidelines section 15125(a) stipulates that the existing environmental setting (the environmental conditions in the project vicinity at the time the environmental analysis is begun) should constitute the baseline physical conditions by which it is determined whether an impact

is significant. Pursuant to this guideline, all impact assessments in this EIR are based on comparison of the projected future "with project" conditions (i.e., buildout under the Improvement Program Update) with the existing environmental setting rather than with the future "without project" condition. For a generalized comparison of anticipated future "with project" conditions with future "without project" conditions (i.e., with what would be expected to occur in the foreseeable future if the Improvement Program Update were not approved), see the discussion of Alternative 18.1 (No Project) in chapter 18 of this EIR (Alternatives to the Proposed Project).

### 1.3 EIR SCOPE--SIGNIFICANT ISSUES AND CONCERNS

As required by the state CEQA Guidelines, the scope of this EIR includes all environmental issues to be resolved and all areas of controversy known to the Lead Agency (the City), including those issues and concerns identified as possibly significant by the City in its preliminary environmental review (Initial Study<sup>1</sup>) of the project, and by other agencies, organizations, and individuals in response to the City's Notice of Preparation<sup>2</sup> (dated September 27, 2002). These areas of controversy and environmental issues to be resolved are listed below.

- (1) **land use** issues, including project compatibility with existing and planned adjacent uses, and project consistency with Sunnyvale General Plan policies;
- (2) the **aesthetic** implications of the program update, including impacts of the proposed changes in residential density and building height limits on the character of downtown Sunnyvale and adjacent neighborhoods;
- (3) the potential effects of program implementation on future **population, housing, employment, and jobs-housing balance** characteristics in the City;
- (4) the potential impacts of program implementation, plus anticipated cumulative (community-wide) development, on future **transportation and parking** characteristics in and around the project area, including ingress/egress; peak-period traffic volumes; freeway interchange and local road system operation and safety; pedestrian, bicyclist, and transit needs; and parking;

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<sup>1</sup>The City's Initial Study for the project is included in appendix 21.2 of this EIR.

<sup>2</sup>The Notice of Preparation (NOP) is a CEQA-required brief notice sent by the Lead Agency to notify the Responsible Agencies, Trustee Agencies, and potentially involved federal agencies that the Lead Agency plans to prepare an EIR for the project, and solicits guidance regarding EIR scope and content. The City's NOP for the Downtown Improvement Program Update project is included in appendix 21.2 of this EIR.

- (5) cumulative (program) implications for **public services and utilities** in Sunnyvale, including water and sewer services, police and fire protection, schools, parks and recreation, and solid waste services;
- (6) the **noise** implications of program implementation, including the effects of projected arterial, railroad, and point-source noise levels in the project area on anticipated land uses, and the noise effects of project-facilitated construction activities and project-related traffic volume increases along principal local travel routes;
- (7) the potential local and regional **air quality** impacts associated with program implementation and associated vehicular traffic increases, based on the impact assessment guidelines and modeling requirements of the Bay Area Air Quality Management District;
- (8) the **drainage and water quality** implications of program implementation on downstream drainage system capacity and water quality;
- (9) the potential **soils and geology** impacts of program implementation, including the implications of potential seismic shaking, liquefaction, and other geologic and soil factors;
- (10) the **hazardous materials** implications of program implementation, including the potential for human exposure to existing or future hazardous materials and conditions;
- (11) the potential **biological resources** impacts and jurisdictional implications of project implementation, particularly on any affected wetland or other sensitive habitats, and on any rare, endangered, or threatened species; and
- (12) the potential impacts of program implementation on identified or possible **cultural or historic resources** in the project area.

#### 1.4 "SIGNIFICANT IMPACTS" AND OTHER KEY EIR TERMINOLOGY

This EIR identifies those adverse environmental impacts that are expected to be "significant," and corresponding mitigation measures warranted to eliminate or reduce those impacts to less-than-significant levels. Where it is determined in this report that a particular impact cannot be mitigated to a less-than-significant level, the EIR identifies that impact as "unavoidable." Section 17.2 of the EIR, Unavoidable Significant Adverse Impacts, includes a summary list of all significant adverse project impacts identified as "unavoidable." Identified significant adverse impacts that are not listed in section 17.2 as "unavoidable" can be mitigated to a less-than-significant level by implementation of the associated mitigation measure or measures identified in this EIR.

These particular EIR terms ("significant," "unavoidable," "mitigation") and other key CEQA terminology used in this report are defined in the box on page 1-8.

## 1.5 REPORT ORGANIZATION AND CONTENT

The impact and mitigation information in this EIR is generally organized in chapters under the environmental headings listed above (land use; aesthetic factors; population, housing, and employment; transportation and parking; etc.). Each environmental chapter includes sections describing the following for that issue:

- (1) the environmental setting;
- (2) pertinent plans and policies; and
- (3) impacts and mitigation measures (impacts anticipated with the proposed project, and measures recommended to mitigate anticipated significant adverse impacts).

In addition, this report includes a chapter summarizing the EIR information in terms of various **CEQA-required assessment considerations**, including project "growth-inducing impacts," "unavoidable significant adverse impacts," "irreversible environmental changes," "cumulative impacts," and "effects found not to be significant" (chapter 17); a chapter describing and comparing various **alternatives to the proposed project** (chapter 18); and a chapter outlining the City's **mitigation monitoring and reporting** intentions (chapter 19) in keeping with CEQA section 21081.6.

## 1.6 FISCAL IMPACTS

The proposed Downtown Improvement Program Update is intended to facilitate additional downtown economic development and physical revitalization. However, the fiscal effects of the proposed program update, including the proposed Downtown Redevelopment Plan amendments component, are not identified in this EIR. The fiscal impacts of the proposed project are non-environmental effects that will be evaluated under a separate procedure completed independently of the EIR process.<sup>1</sup> Pursuant to California Community Redevelopment Law, the Sunnyvale Redevelopment Agency will circulate to all affected taxing entities, a *Preliminary Report* prepared in accordance with Health and Safety Code section 33344.5, and will consult with each affected taxing entity regarding financial effects of the proposed Redevelopment Plan amendments component of the Downtown Improvement Program Update, as provided for in Health and Safety Code section 33328.

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<sup>1</sup>Section 15131 of the CEQA Guidelines allows the Lead Agency to present economic or social information on a project in whatever form the City/Agency desires to allow such factors to be considered in reaching a decision on a project, but also stipulates that "*Economic or social effects of a project shall not be treated as significant effects on the environment.*" In accordance with California Community Redevelopment Law, required economic and social information will be provided in the *Preliminary Report* and *Final Report* to the City of Sunnyvale City Council, to be prepared by Redevelopment Agency staff pursuant to Health and Safety Code sections 33344.5 and 33352, respectively.

## **DEFINITIONS OF KEY EIR TERMINOLOGY**

<b>Significant/Potentially Significant Impact</b>	"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance (CEQA Guidelines section 15382). <i>"An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant."</i> (CEQA Guidelines section 15382)
<b>Significant Cumulative Impact</b>	"Cumulative impacts" are defined as <i>"two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts."</i> (CEQA Guidelines section 15355)
<b>Unavoidable Significant Impact</b>	"Unavoidable significant impacts" are defined as those significant adverse environmental impacts for which either no mitigation or only partial mitigation is feasible. If the project is to be approved without imposing an alternative design, the Lead Agency (the City) must include in the record of the project approval a written statement of the specific reasons to support its action--i.e., a "statement of overriding considerations." (CEQA Guidelines sections 15126.2b and 15093b)
<b>Significance Criteria</b>	The criteria used in this EIR to determine whether an impact is or is not "significant" are based on (a) CEQA-stipulated "mandatory findings of significance"--i.e., where any of the specific conditions occur under which the Legislature and the Secretary of Resources have determined would constitute a potentially significant effect on the environment (listed in CEQA Guidelines section 15065); (b) the specific criteria listed in appendix G of the CEQA Guidelines that the Resources Agency has determined may be deemed to constitute a "significant effect on the environment"; (c) the relationship of the project effect to the adopted policies, ordinances, and standards of the City and of responsible agencies; and/or (d) commonly accepted practice and the professional judgment of the EIR authors and City staff.
<b>Mitigation Measures</b>	For each significant impact, the EIR must identify a specific "mitigation" measure or set of measures capable of <i>"(a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the impacted environment; (d) reducing or eliminating the impact over time by preservation or maintenance operations during the life of the action; or (e) compensating for the impact by replacing or providing substitute resources or environments."</i> (CEQA Guidelines section 15370)

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SOURCE: Wagstaff and Associates, 2003.